

LEGISLATURE OF NEBRASKA  
NINETY-NINTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 4**

Introduced by Thompson, 14

Read first time January 6, 2005

Committee: Judiciary

A BILL

1 FOR AN ACT relating to juveniles; to adopt the Interstate Compact  
2 for Juveniles; to provide for a compact administrator and  
3 an advisory council; and to outright repeal sections  
4 43-1001 to 43-1010, Reissue Revised Statutes of Nebraska.  
5 Be it enacted by the people of the State of Nebraska,

1           Section 1.     The Interstate Compact for Juveniles is  
2 hereby enacted into law and entered into with all other  
3 jurisdictions legally joining therein in the form substantially as  
4 follows:

5                           ARTICLE I

6                           PURPOSE

7           The compacting states to this Interstate Compact  
8 recognize that each state is responsible for the proper supervision  
9 or return of juveniles, delinquents and status offenders who are on  
10 probation or parole and who have absconded, escaped or run away  
11 from supervision and control and in so doing have endangered their  
12 own safety and the safety of others. The compacting states also  
13 recognize that each state is responsible for the safe return of  
14 juveniles who have run away from home and in doing so have left  
15 their state of residence. The compacting states also recognize  
16 that Congress, by enacting the Crime Control Act, 4 U.S.C. Section  
17 112 (1965), has authorized and encouraged compacts for cooperative  
18 efforts and mutual assistance in the prevention of crime.

19           It is the purpose of this compact, through means of joint  
20 and cooperative action among the compacting states to: (A) ensure  
21 that the adjudicated juveniles and status offenders subject to this  
22 compact are provided adequate supervision and services in the  
23 receiving state as ordered by the adjudicating judge or parole  
24 authority in the sending state; (B) ensure that the public safety  
25 interests of the citizens, including the victims of juvenile  
26 offenders, in both the sending and receiving states are adequately  
27 protected; (C) return juveniles who have run away, absconded or  
28 escaped from supervision or control or have been accused of an

1 offense to the state requesting their return; (D) make contracts  
2 for the cooperative institutionalization in public facilities in  
3 member states for delinquent youth needing special services; (E)  
4 provide for the effective tracking and supervision of juveniles;  
5 (F) equitably allocate the costs, benefits and obligations of the  
6 compacting states; (G) establish procedures to manage the movement  
7 between states of juvenile offenders released to the community  
8 under the jurisdiction of courts, juvenile departments, or any  
9 other criminal or juvenile justice agency which has jurisdiction  
10 over juvenile offenders; (H) insure immediate notice to  
11 jurisdictions where defined offenders are authorized to travel or  
12 to relocate across state lines; (I) establish procedures to resolve  
13 pending charges (detainers) against juvenile offenders prior to  
14 transfer or release to the community under the terms of this  
15 compact; (J) establish a system of uniform data collection on  
16 information pertaining to juveniles subject to this compact that  
17 allows access by authorized juvenile justice and criminal justice  
18 officials, and regular reporting of Compact activities to heads of  
19 state executive, judicial, and legislative branches and juvenile  
20 and criminal justice administrators; (K) monitor compliance with  
21 rules governing interstate movement of juveniles and initiate  
22 interventions to address and correct noncompliance; (L) coordinate  
23 training and education regarding the regulation of interstate  
24 movement of juveniles for officials involved in such activity; and  
25 (M) coordinate the implementation and operation of the compact with  
26 the Interstate Compact on the Placement of Children and other  
27 compacts affecting juveniles particularly in those cases where  
28 concurrent or overlapping supervision issues arise. It is the

1 policy of the compacting states that the activities conducted by  
2 the Interstate Commission created herein are the formation of  
3 public policies and therefore are public business. Furthermore,  
4 the compacting states shall cooperate and observe their individual  
5 and collective duties and responsibilities for the prompt return  
6 and acceptance of juveniles subject to the provisions of this  
7 compact. The provisions of this compact shall be reasonably and  
8 liberally construed to accomplish the purposes and policies of the  
9 compact.

10 ARTICLE II

11 DEFINITIONS

12 As used in this compact, unless the context clearly requires a  
13 different construction:

14 A. "By-laws" means: those by-laws established by the Interstate  
15 Commission for its governance, or for directing or controlling  
16 its actions or conduct.

17 B. "Compact Administrator" means: the individual in each  
18 compacting state appointed pursuant to the terms of this  
19 compact, responsible for the administration and management of  
20 the state's supervision and transfer of juveniles subject to  
21 the terms of this compact, the rules adopted by the Interstate  
22 Commission and policies adopted by the State Council under this  
23 compact.

24 C. "Compacting State" means: any state which has enacted the  
25 enabling legislation for this compact.

26 D. "Commissioner" means: the voting representative of each  
27 compacting state appointed pursuant to Article III of this  
28 compact.

1 E. "Court" means: any court having jurisdiction over delinquent,  
2 neglected, or dependent children.

3 F. "Deputy Compact Administrator" means: the individual, if any,  
4 in each compacting state appointed to act on behalf of a  
5 Compact Administrator pursuant to the terms of this compact  
6 responsible for the administration and management of the  
7 state's supervision and transfer of juveniles subject to the  
8 terms of this compact, the rules adopted by the Interstate  
9 Commission and policies adopted by the State Council under this  
10 compact.

11 G. "Interstate Commission" means: the Interstate Commission for  
12 Juveniles created by Article III of this compact.

13 H. "Juvenile" means: any person defined as a juvenile in any  
14 member state or by the rules of the Interstate Commission,  
15 including:

16 (1) Accused Delinquent - a person charged with an offense  
17 that, if committed by an adult, would be a criminal  
18 offense;

19 (2) Adjudicated Delinquent - a person found to have  
20 committed an offense that, if committed by an adult,  
21 would be a criminal offense;

22 (3) Accused Status Offender - a person charged with an  
23 offense that would not be a criminal offense if  
24 committed by an adult;

25 (4) Adjudicated Status Offender - a person found to have  
26 committed an offense that would not be a criminal  
27 offense if committed by an adult; and

28 (5) Non-Offender - a person in need of supervision who has

1 not been accused or adjudicated a status offender or  
2 delinquent.

3 I. "Non-Compacting state" means: any state which has not enacted  
4 the enabling legislation for this compact.

5 J. "Probation or Parole" means: any kind of supervision or  
6 conditional release of juveniles authorized under the laws of  
7 the compacting states.

8 K. "Rule" means: a written statement by the Interstate Commission  
9 promulgated pursuant to Article VI of this compact that is of  
10 general applicability, implements, interprets or prescribes a  
11 policy or provision of the Compact, or an organizational,  
12 procedural, or practice requirement of the Commission, and has  
13 the force and effect of statutory law in a compacting state,  
14 and includes the amendment, repeal, or suspension of an  
15 existing rule.

16 L. "State" means: a state of the United States, the District of  
17 Columbia (or its designee), the Commonwealth of Puerto Rico,  
18 the U.S. Virgin Islands, Guam, American Samoa, and the Northern  
19 Marianas Islands.

20 ARTICLE III

21 INTERSTATE COMMISSION FOR JUVENILES

22 A. The compacting states hereby create the "Interstate Commission  
23 for Juveniles." The commission shall be a body corporate and  
24 joint agency of the compacting states. The commission shall  
25 have all the responsibilities, powers and duties set forth  
26 herein, and such additional powers as may be conferred upon it  
27 by subsequent action of the respective legislatures of the  
28 compacting states in accordance with the terms of this compact.

- 1 B. The Interstate Commission shall consist of commissioners  
2 appointed by the appropriate appointing authority in each state  
3 pursuant to the rules and requirements of each compacting state  
4 and in consultation with the State Council for Interstate  
5 Juvenile Supervision created hereunder. The commissioner shall  
6 be the compact administrator, deputy compact administrator or  
7 designee from that state who shall serve on the Interstate  
8 Commission in such capacity under or pursuant to the applicable  
9 law of the compacting state.
- 10 C. In addition to the commissioners who are the voting  
11 representatives of each state, the Interstate Commission shall  
12 include individuals who are not commissioners, but who are  
13 members of interested organizations. Such non-commissioner  
14 members must include a member of the national organizations of  
15 governors, legislators, state chief justices, attorneys  
16 general, Interstate Compact for Adult Offender Supervision,  
17 Interstate Compact for the Placement of Children, juvenile  
18 justice and juvenile corrections officials, and crime victims.  
19 All non-commissioner members of the Interstate Commission shall  
20 be ex-officio (non-voting) members. The Interstate Commission  
21 may provide in its by-laws for such additional ex-officio  
22 (non-voting) members, including members of other national  
23 organizations, in such numbers as shall be determined by the  
24 commission.
- 25 D. Each compacting state represented at any meeting of the  
26 commission is entitled to one vote. A majority of the  
27 compacting states shall constitute a quorum for the transaction  
28 of business, unless a larger quorum is required by the by-laws

1 of the Interstate Commission.

2 E. The commission shall meet at least once each calendar year.

3 The chairperson may call additional meetings and, upon the  
4 request of a simple majority of the compacting states, shall  
5 call additional meetings. Public notice shall be given of all  
6 meetings and meetings shall be open to the public.

7 F. The Interstate Commission shall establish an executive  
8 committee, which shall include commission officers, members,  
9 and others as determined by the by-laws. The executive  
10 committee shall have the power to act on behalf of the  
11 Interstate Commission during periods when the Interstate  
12 Commission is not in session, with the exception of rulemaking  
13 and/or amendment to the compact. The executive committee shall  
14 oversee the day-to-day activities of the administration of the  
15 compact managed by an executive director and Interstate  
16 Commission staff; administers enforcement and compliance with  
17 the provisions of the compact, its by-laws and rules, and  
18 performs such other duties as directed by the Interstate  
19 Commission or set forth in the by-laws.

20 G. Each member of the Interstate Commission shall have the right  
21 and power to cast a vote to which that compacting state is  
22 entitled and to participate in the business and affairs of the  
23 Interstate Commission. A member shall vote in person and shall  
24 not delegate a vote to another compacting state. However, a  
25 commissioner, in consultation with the state council, shall  
26 appoint another authorized representative, in the absence of  
27 the commissioner from that state, to cast a vote on behalf of  
28 the compacting state at a specified meeting. The by-laws may



1 provide for members' participation in meetings by telephone or  
2 other means of telecommunication or electronic communication.

3 H. The Interstate Commission's by-laws shall establish conditions  
4 and procedures under which the Interstate Commission shall make  
5 its information and official records available to the public  
6 for inspection or copying. The Interstate Commission may  
7 exempt from disclosure any information or official records to  
8 the extent they would adversely affect personal privacy rights  
9 or proprietary interests.

10 I. Public notice shall be given of all meetings and all meetings  
11 shall be open to the public, except as set forth in the Rules  
12 or as otherwise provided in the Compact. The Interstate  
13 Commission and any of its committees may close a meeting to the  
14 public where it determines by two-thirds vote that an open  
15 meeting would be likely to:

- 16 1. Relate solely to the Interstate Commission's internal  
17 personnel practices and procedures;
- 18 2. Disclose matters specifically exempted from disclosure  
19 by statute;
- 20 3. Disclose trade secrets or commercial or financial  
21 information which is privileged or confidential;
- 22 4. Involve accusing any person of a crime, or formally  
23 censuring any person;
- 24 5. Disclose information of a personal nature where  
25 disclosure would constitute a clearly unwarranted  
26 invasion of personal privacy;
- 27 6. Disclose investigative records compiled for law  
28 enforcement purposes;

1           7.    Disclose information contained in or related to  
2                   examination, operating or condition reports prepared  
3                   by, or on behalf of or for the use of, the Interstate  
4                   Commission with respect to a regulated person or entity  
5                   for the purpose of regulation or supervision of such  
6                   person or entity;

7           8.    Disclose information, the premature disclosure of which  
8                   would significantly endanger the stability of a  
9                   regulated person or entity; or

10          9.    Specifically relate to the Interstate Commission's  
11                issuance of a subpoena, or its participation in a civil  
12                action or other legal proceeding.

13   J.   For every meeting closed pursuant to this provision, the  
14        Interstate Commission's legal counsel shall publicly certify  
15        that, in the legal counsel's opinion, the meeting may be closed  
16        to the public, and shall reference each relevant exemptive  
17        provision.   The Interstate Commission shall keep minutes which  
18        shall fully and clearly describe all matters discussed in any  
19        meeting and shall provide a full and accurate summary of any  
20        actions taken, and the reasons therefore, including a  
21        description of each of the views expressed on any item and the  
22        record of any roll call vote (reflected in the vote of each  
23        member on the question).   All documents considered in  
24        connection with any action shall be identified in such minutes.

25   K.   The Interstate Commission shall collect standardized data  
26        concerning the interstate movement of juveniles as directed  
27        through its rules which shall specify the data to be collected,  
28        the means of collection and data exchange and reporting

1 requirements. Such methods of data collection, exchange and  
2 reporting shall insofar as is reasonably possible conform to  
3 up-to-date technology and coordinate its information functions  
4 with the appropriate repository of records.

5 ARTICLE IV

6 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

7 The commission shall have the following powers and duties:

- 8 1. To provide for dispute resolution among compacting states.
- 9 2. To promulgate rules to effect the purposes and obligations as  
10 enumerated in this compact, which shall have the force and  
11 effect of statutory law and shall be binding in the compacting  
12 states to the extent and in the manner provided in this  
13 compact.
- 14 3. To oversee, supervise and coordinate the interstate movement of  
15 juveniles subject to the terms of this compact and any by-laws  
16 adopted and rules promulgated by the Interstate Commission.
- 17 4. To enforce compliance with the compact provisions, the rules  
18 promulgated by the Interstate Commission, and the by-laws,  
19 using all necessary and proper means, including but not limited  
20 to the use of judicial process.
- 21 5. To establish and maintain offices which shall be located within  
22 one or more of the compacting states.
- 23 6. To purchase and maintain insurance and bonds.
- 24 7. To borrow, accept, hire or contract for services of personnel.
- 25 8. To establish and appoint committees and hire staff which it  
26 deems necessary for the carrying out of its functions  
27 including, but not limited to, an executive committee as  
28 required by Article III which shall have the power to act on

1       behalf of the Interstate Commission in carrying out its powers  
2       and duties hereunder.

3    9. To elect or appoint such officers, attorneys, employees,  
4       agents, or consultants, and to fix their compensation, define  
5       their duties and determine their qualifications; and to  
6       establish the Interstate Commission's personnel policies and  
7       programs relating to, inter alia, conflicts of interest, rates  
8       of compensation, and qualifications of personnel.

9    10. To accept any and all donations and grants of money, equipment,  
10       supplies, materials, and services, and to receive, utilize, and  
11       dispose of it.

12   11. To lease, purchase, accept contributions or donations of, or  
13       otherwise to own, hold, improve or use any property, real,  
14       personal, or mixed.

15   12. To sell, convey, mortgage, pledge, lease, exchange, abandon, or  
16       otherwise dispose of any property, real, personal or mixed.

17   13. To establish a budget and make expenditures and levy dues as  
18       provided in Article VIII of this compact.

19   14. To sue and be sued.

20   15. To adopt a seal and by-laws governing the management and  
21       operation of the Interstate Commission.

22   16. To perform such functions as may be necessary or appropriate to  
23       achieve the purposes of this compact.

24   17. To report annually to the legislatures, governors, judiciary,  
25       and state councils of the compacting states concerning the  
26       activities of the Interstate Commission during the preceding  
27       year. Such reports shall also include any recommendations that  
28       may have been adopted by the Interstate Commission.

1 18. To coordinate education, training and public awareness  
2 regarding the interstate movement of juveniles for officials  
3 involved in such activity.

4 19. To establish uniform standards of the reporting, collecting and  
5 exchanging of data.

6 20. The Interstate Commission shall maintain its corporate books  
7 and records in accordance with the By-laws.

8 ARTICLE V

9 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

10 Section A. By-laws

11 1. The Interstate Commission shall, by a majority of the members  
12 present and voting, within twelve months after the first  
13 Interstate Commission meeting, adopt by-laws to govern its  
14 conduct as may be necessary or appropriate to carry out the  
15 purposes of the compact, including, but not limited to:

- 16 a. Establishing the fiscal year of the Interstate Commission;  
17 b. Establishing an executive committee and such other  
18 committees as may be necessary;  
19 c. Provide for the establishment of committees governing any  
20 general or specific delegation of any authority or function  
21 of the Interstate Commission;  
22 d. Providing reasonable procedures for calling and conducting  
23 meetings of the Interstate Commission, and ensuring  
24 reasonable notice of each such meeting;  
25 e. Establishing the titles and responsibilities of the officers  
26 of the Interstate Commission;  
27 f. Providing a mechanism for concluding the operations of the  
28 Interstate Commission and the return of any surplus funds

1           that may exist upon the termination of the Compact after the  
2           payment and/or reserving of all of its debts and  
3           obligations;

4           g. Providing "start-up" rules for initial administration of the  
5           compact; and

6           h. Establishing standards and procedures for compliance and  
7           technical assistance in carrying out the compact.

8   Section B. Officers and Staff

9   1. The Interstate Commission shall, by a majority of the members,  
10       elect annually from among its members a chairperson and a  
11       vice-chairperson, each of whom shall have such authority and  
12       duties as may be specified in the by-laws. The chairperson or,  
13       in the chairperson's absence or disability, the  
14       vice-chairperson shall preside at all meetings of the  
15       Interstate Commission. The officers so elected shall serve  
16       without compensation or remuneration from the Interstate  
17       Commission; provided that, subject to the availability of  
18       budgeted funds, the officers shall be reimbursed for any  
19       ordinary and necessary costs and expenses incurred by them in  
20       the performance of their duties and responsibilities as  
21       officers of the Interstate Commission.

22   2. The Interstate Commission shall, through its executive  
23       committee, appoint or retain an executive director for such  
24       period, upon such terms and conditions and for such  
25       compensation as the Interstate Commission may deem appropriate.  
26       The executive director shall serve as secretary to the  
27       Interstate Commission, but shall not be a Member and shall hire  
28       and supervise such other staff as may be authorized by the

1 Interstate Commission.

2 Section C. Qualified Immunity, Defense and Indemnification

3 1. The Commission's executive director and employees shall be  
4 immune from suit and liability, either personally or in their  
5 official capacity, for any claim for damage to or loss of  
6 property or personal injury or other civil liability caused or  
7 arising out of or relating to any actual or alleged act, error,  
8 or omission that occurred, or that such person had a reasonable  
9 basis for believing occurred within the scope of commission  
10 employment, duties, or responsibilities; provided, that any  
11 such person shall not be protected from suit or liability for  
12 any damage, loss, injury, or liability caused by the  
13 intentional or willful and wanton misconduct of any such  
14 person.

15 2. The liability of any commissioner, or the employee or agent of  
16 a commissioner, acting within the scope of such person's  
17 employment or duties for acts, errors, or omissions occurring  
18 within such person's state may not exceed the limits of  
19 liability set forth under the Constitution and laws of that  
20 state for state officials, employees, and agents. Nothing in  
21 this subsection shall be construed to protect any such person  
22 from suit or liability for any damage, loss, injury, or  
23 liability caused by the intentional or willful and wanton  
24 misconduct of any such person.

25 3. The Interstate Commission shall defend the executive director  
26 or the employees or representatives of the Interstate  
27 Commission and, subject to the approval of the Attorney General  
28 of the state represented by any commissioner of a compacting

1 state, shall defend such commissioner or the commissioner's  
2 representatives or employees in any civil action seeking to  
3 impose liability arising out of any actual or alleged act,  
4 error or omission that occurred within the scope of Interstate  
5 Commission employment, duties or responsibilities, or that the  
6 defendant had a reasonable basis for believing occurred within  
7 the scope of Interstate Commission employment, duties, or  
8 responsibilities, provided that the actual or alleged act,  
9 error, or omission did not result from intentional or willful  
10 and wanton misconduct on the part of such person.

11 4. The Interstate Commission shall indemnify and hold the  
12 commissioner of a compacting state, or the commissioner's  
13 representatives or employees, or the Interstate Commission's  
14 representatives or employees, harmless in the amount of any  
15 settlement or judgment obtained against such persons arising  
16 out of any actual or alleged act, error, or omission that  
17 occurred within the scope of Interstate Commission employment,  
18 duties, or responsibilities, or that such persons had a  
19 reasonable basis for believing occurred within the scope of  
20 Interstate Commission employment, duties, or responsibilities,  
21 provided that the actual or alleged act, error, or omission did  
22 not result from intentional or willful and wanton misconduct on  
23 the part of such persons.

24 ARTICLE VI

25 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

26 A. The Interstate Commission shall promulgate and publish rules in  
27 order to effectively and efficiently achieve the purposes of  
28 the compact.



- 1 B. Rulemaking shall occur pursuant to the criteria set forth in  
2 this article and the by-laws and rules adopted pursuant  
3 thereto. Such rulemaking shall substantially conform to the  
4 principles of the "Model State Administrative Procedures Act,"  
5 1981 Act, Uniform Laws Annotated, Vol. 15, p. 1 (2000), or such  
6 other administrative procedures act, as the Interstate  
7 Commission deems appropriate consistent with due process  
8 requirements under the U.S. Constitution as now or hereafter  
9 interpreted by the U.S. Supreme Court. All rules and  
10 amendments shall become binding as of the date specified, as  
11 published with the final version of the rule as approved by the  
12 Commission.
- 13 C. When promulgating a rule, the Interstate Commission shall, at a  
14 minimum:
- 15 1. publish the proposed rule's entire text stating the  
16 reason(s) for that proposed rule;
  - 17 2. allow and invite any and all persons to submit written data,  
18 facts, opinions and arguments, which information shall be  
19 added to the record, and be made publicly available;
  - 20 3. provide an opportunity for an informal hearing if petitioned  
21 by ten or more persons; and
  - 22 4. promulgate a final rule and its effective date, if  
23 appropriate, based on input from state or local officials,  
24 or interested parties.
- 25 D. Allow, not later than sixty days after a rule is promulgated,  
26 any interested person to file a petition in the United States  
27 District Court for the District of Columbia or in the Federal  
28 District Court where the Interstate Commission's principal

1 office is located for judicial review of such rule. If the  
2 court finds that the Interstate Commission's action is not  
3 supported by substantial evidence in the rulemaking record, the  
4 court shall hold the rule unlawful and set it aside. For  
5 purposes of this subsection, evidence is substantial if it  
6 would be considered substantial evidence under the Model State  
7 Administrative Procedure Act.

8 E. If a majority of the legislatures of the compacting states  
9 rejects a rule, those states may, by enactment of a statute or  
10 resolution in the same manner used to adopt the compact, cause  
11 that such rule shall have no further force and effect in any  
12 compacting state.

13 F. The existing rules governing the operation of the Interstate  
14 Compact on Juveniles superceded by this act shall be null and  
15 void twelve months after the first meeting of the Interstate  
16 Commission created hereunder.

17 G. Upon determination by the Interstate Commission that a  
18 state-of-emergency exists, it may promulgate an emergency rule  
19 which shall become effective immediately upon adoption,  
20 provided that the usual rulemaking procedures provided  
21 hereunder shall be retroactively applied to said rule as soon  
22 as reasonably possible, but no later than ninety days after the  
23 effective date of the emergency rule.

24 ARTICLE VII

25 OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION BY THE INTERSTATE  
26 COMMISSION

27 Section A. Oversight

28 1. The Interstate Commission shall oversee the administration and

1 operations of the interstate movement of juveniles subject to  
2 this compact in the compacting states and shall monitor such  
3 activities being administered in non-compacting states which  
4 may significantly affect compacting states.

5 2. The courts and executive agencies in each compacting state  
6 shall enforce this compact and shall take all actions necessary  
7 and appropriate to effectuate the compact's purposes and  
8 intent. The provisions of this compact and the rules  
9 promulgated hereunder shall be received by all the judges,  
10 public officers, commissions, and departments of the state  
11 government as evidence of the authorized statute and  
12 administrative rules. All courts shall take judicial notice of  
13 the compact and the rules. In any judicial or administrative  
14 proceeding in a compacting state pertaining to the subject  
15 matter of this compact which may affect the powers,  
16 responsibilities or actions of the Interstate Commission, it  
17 shall be entitled to receive all service of process in any such  
18 proceeding, and shall have standing to intervene in the  
19 proceeding for all purposes.

20 Section B. Dispute Resolution

21 1. The compacting states shall report to the Interstate Commission  
22 on all issues and activities necessary for the administration  
23 of the compact as well as issues and activities pertaining to  
24 compliance with the provisions of the compact and its by-laws  
25 and rules.

26 2. The Interstate Commission shall attempt, upon the request of a  
27 compacting state, to resolve any disputes or other issues which  
28 are subject to the compact and which may arise among compacting

1 states and between compacting and non-compacting states. The  
2 commission shall promulgate a rule providing for both mediation  
3 and binding dispute resolution for disputes among the  
4 compacting states.

5 3. The Interstate Commission, in the reasonable exercise of its  
6 discretion, shall enforce the provisions and rules of this  
7 compact using any or all means set forth in Article XI of this  
8 compact.

9 ARTICLE VIII

10 FINANCE

11 A. The Interstate Commission shall pay or provide for the payment  
12 of the reasonable expenses of its establishment, organization  
13 and ongoing activities.

14 B. The Interstate Commission shall levy on and collect an annual  
15 assessment from each compacting state to cover the cost of the  
16 internal operations and activities of the Interstate Commission  
17 and its staff which must be in a total amount sufficient to  
18 cover the Interstate Commission's annual budget as approved  
19 each year. The aggregate annual assessment amount shall be  
20 allocated based upon a formula to be determined by the  
21 Interstate Commission, taking into consideration the population  
22 of each compacting state and the volume of interstate movement  
23 of juveniles in each compacting state and shall promulgate a  
24 rule binding upon all compacting states which governs said  
25 assessment.

26 C. The Interstate Commission shall not incur any obligations of  
27 any kind prior to securing the funds adequate to meet the same;  
28 nor shall the Interstate Commission pledge the credit of any of

1 the compacting states, except by and with the authority of the  
2 compacting state.

3 D. The Interstate Commission shall keep accurate accounts of all  
4 receipts and disbursements. The receipts and disbursements of  
5 the Interstate Commission shall be subject to the audit and  
6 accounting procedures established under its by-laws. However,  
7 all receipts and disbursements of funds handled by the  
8 Interstate Commission shall be audited yearly by a certified or  
9 licensed public accountant and the report of the audit shall be  
10 included in and become part of the annual report of the  
11 Interstate Commission.

12 ARTICLE IX

13 THE STATE COUNCIL

14 Each member state shall create a State Council for Interstate  
15 Juvenile Supervision. While each state may determine the  
16 membership of its own state council, its membership must include at  
17 least one representative from the legislative, judicial, and  
18 executive branches of government, victims groups, and the compact  
19 administrator, deputy compact administrator or designee. Each  
20 compacting state retains the right to determine the qualifications  
21 of the compact administrator or deputy compact administrator. Each  
22 state council will advise and may exercise oversight and advocacy  
23 concerning that state's participation in Interstate Commission  
24 activities and other duties as may be determined by that state,  
25 including but not limited to, development of policy concerning  
26 operations and procedures of the compact within that state.

27 ARTICLE X

28 COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT

1 A. Any state, the District of Columbia (or its designee), the  
2 Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam,  
3 American Samoa, and the Northern Marianas Islands as defined in  
4 Article II of this compact is eligible to become a compacting  
5 state.

6 B. The compact shall become effective and binding upon legislative  
7 enactment of the compact into law by no less than thirty-five  
8 of the states. The initial effective date shall be the later  
9 of July 1, 2004 or upon enactment into law by the thirty-fifth  
10 jurisdiction. Thereafter it shall become effective and binding  
11 as to any other compacting state upon enactment of the compact  
12 into law by that state. The governors of non-member states or  
13 their designees shall be invited to participate in the  
14 activities of the Interstate Commission on a non-voting basis  
15 prior to adoption of the compact by all states and territories  
16 of the United States.

17 C. The Interstate Commission may propose amendments to the compact  
18 for enactment by the compacting states. No amendment shall  
19 become effective and binding upon the Interstate Commission and  
20 the compacting states unless and until it is enacted into law  
21 by unanimous consent of the compacting states.

22 ARTICLE XI

23 WITHDRAWAL, DEFAULT, TERMINATION AND JUDICIAL ENFORCEMENT

24 Section A. Withdrawal

25 1. Once effective, the compact shall continue in force and remain  
26 binding upon each and every compacting state; except that a  
27 compacting state may withdraw from the compact by specifically  
28 repealing the statute which enacted the compact into law.

1 2. The effective date of withdrawal is the effective date of the  
2 repeal.

3 3. The withdrawing state shall immediately notify the chairperson  
4 of the Interstate Commission in writing upon the introduction  
5 of legislation repealing this compact in the withdrawing state.  
6 The Interstate Commission shall notify the other compacting  
7 states of the withdrawing state's intent to withdraw within  
8 sixty days of its receipt thereof.

9 4. The withdrawing state is responsible for all assessments,  
10 obligations and liabilities incurred through the effective date  
11 of withdrawal, including any obligations, the performance of  
12 which extend beyond the effective date of withdrawal.

13 5. Reinstatement following withdrawal of any compacting state  
14 shall occur upon the withdrawing state reenacting the compact  
15 or upon such later date as determined by the Interstate  
16 Commission

17 Section B. Technical Assistance, Fines, Suspension, Termination  
18 and Default

19 1. If the Interstate Commission determines that any compacting  
20 state has at any time defaulted in the performance of any of  
21 its obligations or responsibilities under this compact, or the  
22 by-laws or duly promulgated rules, the Interstate Commission  
23 may impose any or all of the following penalties:

24 a. Remedial training and technical assistance as directed by  
25 the Interstate Commission;

26 b. Alternative Dispute Resolution;

27 c. Fines, fees, and costs in such amounts as are deemed to be  
28 reasonable as fixed by the Interstate Commission; and

- 1       d. Suspension or termination of membership in the compact,  
2       which shall be imposed only after all other reasonable means  
3       of securing compliance under the by-laws and rules have been  
4       exhausted and the Interstate Commission has therefor  
5       determined that the offending state is in default.  
6       Immediate notice of suspension shall be given by the  
7       Interstate Commission to the Governor, the Chief Justice or  
8       the Chief Judicial Officer of the state, the majority and  
9       minority leaders of the defaulting state's legislature, and  
10      the state council. The grounds for default include, but are  
11      not limited to, failure of a compacting state to perform  
12      such obligations or responsibilities imposed upon it by this  
13      compact, the by-laws, or duly promulgated rules and any  
14      other grounds designated in commission by-laws and rules.  
15      The Interstate Commission shall immediately notify the  
16      defaulting state in writing of the penalty imposed by the  
17      Interstate Commission and of the default pending a cure of  
18      the default. The commission shall stipulate the conditions  
19      and the time period within which the defaulting state must  
20      cure its default. If the defaulting state fails to cure the  
21      default within the time period specified by the commission,  
22      the defaulting state shall be terminated from the compact  
23      upon an affirmative vote of a majority of the compacting  
24      states and all rights, privileges and benefits conferred by  
25      this compact shall be terminated from the effective date of  
26      termination.
- 27    2. Within sixty days of the effective date of termination of a  
28      defaulting state, the Commission shall notify the Governor, the



1 Chief Justice or Chief Judicial Officer, the Majority and  
2 Minority Leaders of the defaulting state's legislature, and the  
3 state council of such termination.

4 3. The defaulting state is responsible for all assessments,  
5 obligations and liabilities incurred through the effective date  
6 of termination including any obligations, the performance of  
7 which extends beyond the effective date of termination.

8 4. The Interstate Commission shall not bear any costs relating to  
9 the defaulting state unless otherwise mutually agreed upon in  
10 writing between the Interstate Commission and the defaulting  
11 state.

12 5. Reinstatement following termination of any compacting state  
13 requires both a reenactment of the compact by the defaulting  
14 state and the approval of the Interstate Commission pursuant to  
15 the rules.

#### 16 Section C. Judicial Enforcement

17 The Interstate Commission may, by majority vote of the members,  
18 initiate legal action in the United States District Court for the  
19 District of Columbia or, at the discretion of the Interstate  
20 Commission, in the federal district where the Interstate Commission  
21 has its offices, to enforce compliance with the provisions of the  
22 compact, its duly promulgated rules and by-laws, against any  
23 compacting state in default. In the event judicial enforcement is  
24 necessary the prevailing party shall be awarded all costs of such  
25 litigation including reasonable attorneys fees.

#### 26 Section D. Dissolution of Compact

27 1. The compact dissolves effective upon the date of the withdrawal  
28 or default of the compacting state, which reduces membership in

1 the compact to one compacting state.

2 2. Upon the dissolution of this compact, the compact becomes null  
3 and void and shall be of no further force or effect, and the  
4 business and affairs of the Interstate Commission shall be  
5 concluded and any surplus funds shall be distributed in  
6 accordance with the by-laws.

7 ARTICLE XII

8 SEVERABILITY AND CONSTRUCTION

9 A. The provisions of this compact shall be severable, and if any  
10 phrase, clause, sentence or provision is deemed unenforceable,  
11 the remaining provisions of the compact shall be enforceable.

12 B. The provisions of this compact shall be liberally construed to  
13 effectuate its purposes.

14 ARTICLE XIII

15 BINDING EFFECT OF COMPACT AND OTHER LAWS

16 Section A. Other Laws

17 1. Nothing herein prevents the enforcement of any other law of a  
18 compacting state that is not inconsistent with this compact.

19 2. All compacting states' laws other than state constitutions and  
20 other interstate compacts conflicting with this compact are  
21 superseded to the extent of the conflict.

22 Section B. Binding Effect of the Compact

23 1. All lawful actions of the Interstate Commission, including all  
24 rules and by-laws promulgated by the Interstate Commission, are  
25 binding upon the compacting states.

26 2. All agreements between the Interstate Commission and the  
27 compacting states are binding in accordance with their terms.

28 3. Upon the request of a party to a conflict over meaning or

1 interpretation of Interstate Commission actions, and upon a  
2 majority vote of the compacting states, the Interstate  
3 Commission may issue advisory opinions regarding such meaning  
4 or interpretation.

5 4. In the event any provision of this compact exceeds the  
6 constitutional limits imposed on the legislature of any  
7 compacting state, the obligations, duties, powers or  
8 jurisdiction sought to be conferred by such provision upon the  
9 Interstate Commission shall be ineffective and such  
10 obligations, duties, powers or jurisdiction shall remain in the  
11 compacting state and shall be exercised by the agency thereof  
12 to which such obligations, duties, powers or jurisdiction are  
13 delegated by law in effect at the time this compact becomes  
14 effective.

15 Sec. 2. (1) In accordance with Article III, section B, of  
16 the Interstate Compact for Juveniles, the Governor, in  
17 consultation with the Nebraska Council for Interstate Juvenile  
18 Supervision, shall appoint a compact administrator. The  
19 compact administrator shall serve at the pleasure of the  
20 Governor. The compact administrator shall be the Nebraska  
21 commissioner for the Interstate Commission for Juveniles  
22 created pursuant to the compact, and the compact administrator  
23 shall carry out the terms of the compact in this state. The  
24 compact administrator shall cooperate with all departments,  
25 agencies, and officers of this state and its political  
26 subdivisions in facilitating the proper administration of the  
27 compact.

28 (2) In accordance with Article IX of the Interstate Compact

1       for Juveniles, the Nebraska Council for Interstate Juvenile  
2       Supervision is created. The compact administrator, or his or  
3       her designee, shall be a member of the council. The Governor  
4       shall appoint six additional members to the council including  
5       at least one representative of: (a) The Legislature; (b) the  
6       executive branch of state government; (c) the judicial branch  
7       of state government; and (d) crime victims rights groups. The  
8       members of the council shall serve without compensation but  
9       shall be reimbursed for their actual and necessary expenses as  
10      provided in sections 81-1174 to 81-1177. The council shall  
11      meet at least once each calendar year and shall advise the  
12      compact administrator in the development of policy concerning  
13      operations and procedures of the compact within this state.

14       Sec. 3. The following sections are outright repealed:  
15      Sections 43-1001 to 43-1010, Reissue Revised Statutes of  
16      Nebraska.